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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,900	11/05/2002	Richard C. Walton	02703-023001	6238

26161 7590 07/11/2005

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

EXAMINER

PATTERSON, MARC A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,900

Applicant(s)

WALTON ET AL.

Examiner

Marc A. Patterson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 48-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 48-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

REPEATED REJECTIONS

1. The 35 U.S.C. 102(b) rejection of Claims 1 – 2, 8 – 18, 20 – 24 and 48 – 53 as being anticipated by Wang et al (U.S. Patent No. 5,935,880), of record on page 3 of the previous Action, is repeated.
2. The 35 U.S.C. 103(a) rejection of Claims 3 – 7 as being unpatentable over Wang et al (U.S. Patent No. 5,935,880), of record on page 5 of the previous Action, is repeated.
3. The 35 U.S.C. 103(a) rejection of Claim 19 as being unpatentable over Wang et al (U.S. Patent No. 5,935,880) in view of Srinivasan et al (U.S. Patent No. 5,500,281), of record on page 6 of the previous Action, is repeated.

ANSWERS TO APPLICANT'S ARGUMENTS

4. Applicant argues, on page 12 of the remarks dated April 14, 2005, that Wang et al does not disclose dry creping because the dryer that is used to dry the web disclosed by Wang et al is a Yankee dryer, and the specification defines dry creping as a process in which a Yankee dryer is not involved.

However, Wang et al disclose the complete drying of the web prior to creping (column 6, lines 10 – 12), and therefore discloses the creping of a dry web, and therefore discloses dry creping.

Applicant also argues, on page 13, that Wang et al disclose only the optional use of thermoplastic fibers, and the web of Wang et al therefore does not comprise thermoplastic fibers

However, because Wang et al disclose the use of thermoplastic fibers, thermoplastic fibers are comprised in the web of Wang et al.

Applicant also argues, on page 14, that Wang et al do not disclose heat – setting because the curing disclosed by Wang et al refers to crosslinking, rather than deformation of the fibers at the deformation temperature of the fibers.

However, the term ‘heat setting’ is not limited to deformation of fibers at the deformation temperatures, and a web which is cured with the use of heat is clearly also heat set because it is thermoset.

Applicant also argues 14 that there is no disclosure in Wang et al of heat – set, dry – creped thermoplastic fiber that preserve dry – creped structure in the presence of a wet agent.

However, the claimed invention is directed to a web which is heat – set, rather than to fibers which are heat set, and it is not clear that support exists in the specification for fibers which are heat set. Furthermore, the web disclosed by Wang et al is cured following creping and recreping (column 7, lines 30 – 33) and is therefore in a permanent, heat set condition as claimed.

Applicant also argues on page 14 that Wang et al is directed to disintegration, and therefore teaches away from heat setting.

However, as states above, Wang et al also clearly disclose heat setting.

Applicant also argues, on page 15, that the heat setting in Wang et al occurs after relaxation from its stressed condition.

However, relaxation from a stressed condition is not disclosed by Wang et al.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497.

The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Patterson

Marc A. Patterson, PhD.

Examiner

Art Unit 1772

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

7/7/05